

ORIGINAL

FILED

May 7 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0624

WILLIAM RONALD HENDERSON,

Petitioner and Appellant,

v.

STATE OF MONTANA,

Respondent and Appellee.

FILED

MAY 6 7 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**SECOND STATUS REPORT ON ORDER APPOINTING
COUNSEL REGARDING OUT-OF-TIME APPEAL**

On December 9, 2009, the Court appointed the Office of the Appellate Defender (OAD) to assist William Ronald Henderson with filing a petition for an out-of-time appeal from the Eleventh Judicial District Court's denial of Henderson's petitions for post-conviction relief and related orders. The matter was subsequently assigned to undersigned counsel by the Chief Appellate Defender.

Henderson has asserted that undersigned counsel and OAD have a conflict of interest in this matter and has requested OAD to reassign this matter to new counsel. OAD has denied Henderson's request. It is counsel's understanding that pursuant to Mont. R. App. P. 10(1)(c) Henderson now intends to personally file a motion asking this Court to remove undersigned counsel and OAD.

Respectfully submitted this 11 day of May, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: Koan Mercer
KOAN MERCER
Assistant Appellate Defender

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Second Status Report on Order Appointing Counsel Regarding Out-of-Time
Appeal to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

ED CORRIGAN
Flathead County Attorney
P.O. Box 1516
Kalispell MT 59903-1516

WILLIAM RONALD HENDERSON 309034
Stafford Creek Corrections Center
191 Constantine Way
Aberdeen, WA 98520

DATED: 5/11/2010

Shirley Braden